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Approved For Release 2001/08/27 : CIA-RDP57-00384R000500070028-2

SECURITY INFORMATION

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Office of General Counsel

3 December 1951

THROUGH: Acting Chief, Finance Division
Authorized Certifying Officer

Consultants - Travel and Compensation

1. There have recently arisen several questions in regard to payment of compensation to Consultants which are outlined below. The undersigned Certifying Officers feel that the regulations require clarification concerning each of these points and a decision from your office on each of the points outlined would be appreciated.

2. Before stating the problems, we would like to quote you, in brief, those regulations currently in effect with regard to problems arising with respect to payments for Consultants:

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a. CFR, [REDACTED] - "He is entitled to travel expenses when traveling between his home or place of business and Washington or other place of duty and to per diem in lieu of subsistence, including Saturdays, Sundays, and holidays when away from his place of business or residence in official duty for the Agency".

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b. CFR, [REDACTED] - ". . . Should an Intermittent Consultant serve continuously for one calendar month or more, he becomes, for certain purposes, a temporary employee".

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c. CFR, [REDACTED] - "Intermittent Consultants will be employed on a contractual basis by the Special Contracting Officer. . . .".

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d. CFR, [REDACTED] - " Contract Consultants will be utilized within the U. S. and exceptions will require appropriate justification to the Special Contracting Officer.

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e. CIA Regulations [REDACTED] (Sub-para. A(S)) - "Attendance of Consultants shall include time devoted to official travel and to official duties whenever performed as well as time spent at the Consultant's duty station and shall be reported on Time and Attendance Records by the using Office".

3. There are claims submitted by Consultants currently to be processed which include the following problems. Examples of these claims are specified together with each point in question:

Approved For Release 2001/08/27 : CIA-RDP57-00384R000500070028-2

SECRET

SECRET

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SECURITY INFORMATION

A. Status of Contract Consultants

Some contracts state that the individuals concerned are Consultants while others merely state that the individual will be compensated at the rate of \$35.00 or \$50.00 per full day of service or one-half of these rates for one-half day service - one-half day meaning less than five hours of service but more than one hour.

Question: Should this office assume that short-term contracts specifying a daily rate for compensation are Contract Consultants contracts; or, in each case where it is not specified that he is a Consultant, should we refer the contract to the Special Contracting Officer for his determination as to the correct status of the individual concerned? The question is of importance because of the requirements of CFR, [REDACTED], and CFR [REDACTED]

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B. Travel Time of Consultants

[REDACTED] has a contract specifying that he is an Intermittent Consultant, which contract provides for compensation "at the rate of \$35.00 per full day of service or \$17.50 per one-half day of service . . . A day of service means any work covering the period in excess of five hours". [REDACTED] recently left New York at 5:25 PM, arriving in Washington at 6:35 PM. It was stated by his operating office that he was consulted with that evening. He remained at Headquarters the entire next day and on the third day left Washington at 1:AM, arriving in New York City at 9:00 AM. [REDACTED] claimed compensation for three full days of service, even though during the third day there had been no duty performed and [REDACTED] had, in fact, arrived at his New York Office in sufficient time to put in a full day's work at his usual employment.

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Question: Should [REDACTED] be reimbursed for one, one and one-half, two, or three days compensation in addition to travel and per diem claimed?

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C. Compensation for Claims While Outside the U. S.

(1) [REDACTED] whose contract does not specify that he is a Consultant traveled in [REDACTED] for CIA during the period 28 March through 22 May 1951. It is brought to your attention that Consultant [REDACTED] was ordered to Europe although there is no indication in his contract or by check list that there was to be any waiver of [REDACTED] of the Confidential Funds Regulations.

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Question: Should each such case be brought to the attention of the Special Contracting Officer for his approval of the travel and duty performed?

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SECURITY INFORMATION

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(2) [REDACTED] whose contract does specify that he is an Intermittent Consultant was on temporary duty in London for the period 26 August through 4 September 1951.

Question: Should each such case be brought to the attention of the Special Contracting Officer for his approval of the travel and duty performed?

D. Compensation for Saturdays, Sundays, and Holidays

(1) A travel claim submitted by [REDACTED] referred to in Paragraph 3C above, involves continuous travel of fifty-six days including Saturdays, and Sundays for which [REDACTED] is submitting a claim, among others, for \$1400.00 (56 X \$35.00) as compensation for this period.

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Question: Is [REDACTED] entitled to reimbursement for the Saturdays and Sundays without further question or should reimbursement be made contingent on the answer to Paragraph 3F below?

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(2) [REDACTED] who, as noted above, is described as an Intermittent Consultant likewise has claimed fees for Saturdays, Sundays falling within period of temporary duty at [REDACTED]

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Question: Is [REDACTED] entitled to reimbursement for the Saturdays and Sundays or should reimbursement be made contingent on the answer to Paragraph 3F below?

E. Compensation for Continuous Service of More Than One Month

[REDACTED] travel, referred to above, involves continuous travel of more than one month's duration. In view of Confidential Funds Regulations [REDACTED] what authority, if any, exists for the Finance Division to reimburse [REDACTED] for more than one month's continuous duty, Paragraph 3D above, also being taken into consideration, and subject to the determination to be made in connection with 3G below?

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F. Certifications Required by Consultants

(1) On previous claims for reimbursement of Consultants, the Finance Division has neither required nor received, in all cases, a positive statement that the man actually performed work - as apposed to being merely in a duty status - on the days for which reimbursement was claimed by him (except where contracts specifically required). These statements from the Consultants commonly state "Reimbursement is claimed for the following days", or, "I certify I have fulfilled my obligations under my contract", or, a listing of the days worked followed only by a certification that the man has received no compensation from any other Government Agency.

Approved For Release 2001/08/27 : CIA-RDP57-00384R000500070028-2

SECRET

SECRET

Approved For Release 2001/08/27 : CIA-RDP57-00384R000500070028-2

SECURITY INFORMATION

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Question: Should we require a positive statement from the individual that he has actually worked on each day for which reimbursement is claimed? [REDACTED]

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In the event you determine that a positive certification should be required, it is requested that your office prepare the appropriate certificate.

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(2) In the event that your office determines that a Consultant may be reimbursed for Saturdays, Sundays and holidays and for travel time, and assuming that he does not exceed the maximum compensation allowable, to what must he certify in order to receive compensation for Saturdays, Sundays, holidays, and for travel time?

In the event you determine that a positive certificate should be required, it is requested that your office prepare the appropriate certificate.

Q. Maximum Compensation Allowable

Is there any limitation as to the maximum compensation that a Consultant may receive in any calendar month?

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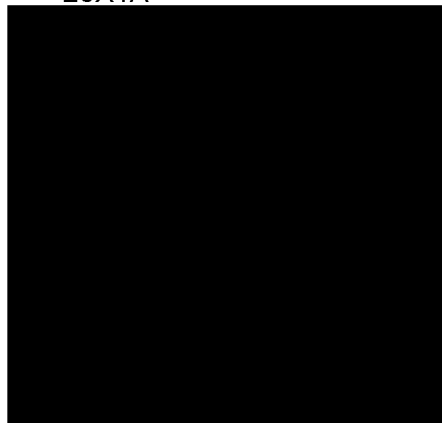
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4. Although only facts pertaining to [REDACTED] are mentioned herein, one or more of the above problems has also arisen recently as to duty performed by [REDACTED] and other Contractual individuals.

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5. In view of the fact that we have a number of claims to be processed, an early reply would be greatly appreciated.

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